



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 8, 2013

BY ECF

The Honorable Loretta A. Preska
Chief United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Jose Castro, S2 12 Cr. 863 (LAP)

Dear Chief Judge Preska:

The Government respectfully writes in connection with above-captioned matter to convey joint requests that the Court: (i) adjourn the October 10, 2013 pre-trial conference scheduled in this matter; (ii) set a motion schedule as set forth below; (iii) set a trial date in this matter for September 8, 2014; and (iv) exclude time under the Speedy Trial Act between October 10, 2013 and September 8, 2014.

As the Court is aware, the Superseding Indictment in this case, which was unsealed on December 18, 2012, charges 26 defendants with conspiring to distribute crack. Seven defendants who have not pleaded guilty remain pending before the Court: Jose Castro, Kevin Henderson, Calvin Thomas, Jamel Kennedy, Jermaine Nibbs, Alfonso Lee, and James Perkins.¹

The Government has conferred with defense counsel for these seven defendants and the parties jointly propose the following schedule:

- The Court adjourn the October 10, 2013 pre-trial conference.
- Any pre-trial motions by defendant Kevin Henderson be filed by December 15, 2013, the Government's response due January 20, 2014, and any reply due February 3, 2014. (The deadlines for pre-trial motions by all other defendants has already past).

¹ Of the 26 defendants, 14 defendants have pleaded guilty and one additional defendant, Charles Williams, is scheduled to plead guilty. One defendant has been deemed not competent to stand trial at this time. Three defendants are fugitives.

- Severance motions, motions *in limine*, and Rule 404(b) notice due on July 14, 2014, responses due August 4, 2014, and any replies due August 21, 2014.
- Requests to Charge and Voir Dire due on August 25, 2014.
- Trial to begin on September 8, 2014.²

The Government also requests that the Court exclude time under the Speedy Trial Act between October 10, 2013 and September 8, 2014, on the grounds that the parties continue to engage in discussions about possible pre-trial dispositions and to allow time for the parties to prepare for trial. The defendants consent to the Government's request.

If these requests are agreeable to the Court, we respectfully request that Your Honor so order this letter.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: _____/s/
Rahul Mukhi
Brendan Quigley
Daniel B. Tehrani
Assistant United States Attorneys
(212) 637-1581/2190/2455

cc: Counsel of Record (by ECF)

SO ORDERED:

² All parties have consented to this trial date. However, in the event that the number of trial defendants significantly decreases, the parties may at that later time respectfully request the Court set an earlier trial date, which would be subject, of course, to the Court's availability.